

October 13, 2021

VIA ECF

Magistrate Judge Sanket J. Bulsara
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Wang v. Tesla, Inc.*, Case No. 20-cv-3040; Motion to Extend the Court's Scheduling Order

Dear Magistrate Judge Bulsara:

Plaintiffs respectfully request that the Court extend the deadlines set forth in the Court's July 30, 2021 Order as follows:

<u>Current Deadline</u>	<u>Requested New Deadline</u>	<u>Event</u>
October 15, 2021	January 14, 2022	Completion of all non-expert discovery
November 1, 2021	February 1, 2022	Plaintiff's expert reports to be completed
November 30, 2021	February 28, 2022	Defendant's expert reports to be completed
January 30, 2022	April 29, 2022	Plaintiff's experts must be produced for deposition
February 28, 2022	May 31, 2022	Defendant's expert must be produced for deposition
February 28, 2022	May 31, 2022	Completion of all discovery; parties to submit a joint certification that discovery has been completed
March 18, 2021	June 17, 2022	Last date to take the first step in dispositive motion practice

This request for extension is not for purposes of delay but is made in good faith, as the parties have been awaiting several rulings on pending motions with potential impact on the scope of discovery

and expert development, including for example Plaintiffs' Objections to the May 12, 2021 Discovery Order, which bears directly on the scope of discovery. Moreover, Plaintiffs' legitimate discovery efforts have been stymied by Tesla's ongoing delay. For example, Plaintiffs re-noticed Tesla's corporate representative on marketing topics on September 3, 2021, noticing the deposition for September 23, 2021 but expressly stating that Plaintiffs will work with Tesla on a mutually agreeable date for the deposition. See Ex. A. Despite multiple follow-up communications, Tesla has yet to provide available dates for the deposition. On September 20, 2021, Tesla objected to two depositions noticed by Plaintiffs on September 3, 2020, prompting Plaintiffs to file a letter motion to compel those depositions (which is being filed contemporaneously with this letter motion). Similarly, Plaintiffs served a limited Second Request for Production of Documents on September 7, 2021, requesting "[a]ny and all Documents and/or Data related to the Vehicle that is responsive to the NHTSA letter". Tesla responded stating that it cannot yet respond because its response to NHTSA is not due until October 22, 2021 – which is beyond the current fact discovery deadline. See Ex. B. Likewise, Tesla's production of the data set from the subject vehicle's SD card remains outstanding – despite Plaintiffs' continued follow-up communications regarding the same and Tesla's agreement to produce this data since January 2021 (nearly a 10-month delay). Despite conferring with Tesla's counsel on a short extension to the Scheduling Order to accommodate the long overdue discovery items, Tesla declined to consent. Tesla's outstanding document productions as well as the outstanding depositions are paramount to not only fact discovery but also expert development and thus a short extension to the current Scheduling Order is warranted.

Respectfully submitted,



Michael R. Nelson

cc: All counsel of record (via ECF)